



**SAN FRANCISCO PUBLIC UTILITIES
COMMISSION**

City and County of San Francisco

London N. Breed
Mayor

MINUTES
Tuesday, August 10, 2021
1:30 P.M.
(Approved August 24, 2021)

This meeting was held by Teleconference Pursuant to the Governor's Executive Order N- 29-20 and the Twelfth Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020

During the Coronavirus Disease (COVID-19) emergency, the San Francisco Public Utilities Commission's (SFPUC) regular meeting room, City Hall, Room 400, is closed. Commissioners and SFPUC staff will convene Commission meetings remotely by teleconference.

Commissioners

Sophie Maxwell, President
Anson Moran, Vice President
Tim Paulson
Ed Harrington
Newsha Ajami

Michael Carlin
Acting General Manager

Donna Hood
Secretary



1. Call to Order

President Maxwell called the meeting to order at 1:31 PM.

2. Roll Call

Present: Maxwell, Moran, Harrington and Ajami

Excused: Paulson

The Commission Secretary announced that item 14 was pulled from Closed Session and would not be heard.

President Maxwell read the Muwekma Ohlone Tribe Land Acknowledgement.

3. Approval of the Minutes

a) July 27, 2021 Regular Meeting

b) August 4, 2021 Special Meeting

Public Comments

- *David Pilpel stated that he recommend non-substantive edits to the minutes of July 27, 2021 to the Commission Secretary. He questioned the citation for the closed session items on both agendas related to the General Manager search and said 67.10(e)(1) should be added.*

On Motion to approve the Minutes of July 27, 2021:

Ayes: Maxwell, Moran, Harrington and Ajami

On Motion to approve the Minutes of August 4, 2021:

Ayes: Maxwell, Moran, Harrington and Ajami

4. General Public Comment

- *Francisco DaCosta stated that corruption has reached a saturation point at the SFPUC; that there is no transparency; and that the truth is not being revealed. He discussed the GM search process.*
- *Eileen Boken thanked the Commissioners and staff who participated in the July 15th Sunset Reservoir event and indicated Supervisor Mar questioned why there are no solar panels on the South Basin. She discussed rumbling noises coming from the reservoir. She thanked Acting GM Carlin for participating in the SFMTA's July 9th event to mark the completion of the first phase of the L-Taraval Project. She discussed Ocean Beach erosion, possible desalination facility sites, and the ocean water pump station for auxiliary firefighting.*
- *Peter Drekmeier, Policy Director, Tuolumne River Trust, indicated that the unimpaired flow on the Tuolumne River between February 2021 and June 2021 was 13%, and that last year it was 15%. He discussed the dumping of water from full reservoirs and asked that the pattern not continue.*
- *John McManus, Golden State Salmon Association, expressed his understanding that the State of California approached the SFPUC and other*

water diverters in the Central Valley and laid out a plea that they sign onto a new Voluntary Agreement. He stated the SFPUC should withdraw its support of the Tuolumne River Voluntary Agreement until the National Marine Fisheries Service Peer review is addressed.

- *Ali Altaha stated that the City establishment is a tiger paper and discussed the Mayor's ethics violation fine. He stated Dwayne F. Jones held outreach meeting to those he contracts with, thus lowering pool of available contractors willing and able to bid on jobs. He said that the Commission is blaming contractors for 20 years of corruption*
- *David Pilpel discussed the reopening of the Great Highway to weekday traffic. He stated that SFPUC has continuing interest in the future of the Great Highway as a containment structure for sewer flow for westside transport, not as a highway.*

5. Communications

- Advance Calendar
- Correspondence Log
- Contract Advertisement Report
- Proposed SFPUC Prescribed Burn Project Initial Study-Mitigated Negative Declaration
- Revised Declaration of Emergency – Replacement and Repair of Fences Damaged in the SCU Lightning Complex Fire
- Sponsor Outreach for CleanPowerSF's Community Solar Green Tariff Program
- 2009 Water Supply Agreement Update
- Water Supply Conditions Update

In response to a question as to how bad water conditions are and what is being doing about it, Steve Ritchie, Assistant General Manager (AGM) Water, indicated that there is no way to know if it will get better or worse. He stated there is a decent amount of storage on the San Joaquin side which is in better shape than the Sacramento side. He stated in early July customers were asked to try to comply with the Governor's call for 15% voluntary reduction from 2020 levels, noting that a 10% reduction level has been achieved. He stated that even with the reduction, if dry conditions continue that this fall, there will be a call for more reductions beginning in January. He noted that additional water has been added down the river this summer to supplement required flows.

Commissioner Harrington asked if it would make a difference if a 15% mandatory rationing was imposed to improve the condition of the river. AGM Ritchie stated that the water goes into Don Pedro and is then controlled by the Districts and that arrangements would need to be made with them. He addressed the second Executive Order by the Governor, attempts to deal with curtailments, and the California Independent System Operator.

AGM Ritchie responded to a question from Commissioner Ajami as to whether the 10% reduction was for the system as a whole or just San Francisco, stating it is system wide.

Public Comments

- *Kristin Mercer submitted written comments which requested that the SFPUC, as stewards of the most biologically diverse and endangered habitats in the state and as responsible for the outcome of the projects, urged a thorough study of risk, measurable and verifiable project goals, and enforceable mitigations before entrusting these lands to an irreversible environmental experiment.*
- *Francisco DaCosta stated that most of the “Communications” items are general in nature. He stated climate change will drastically change Hetch Hetchy and that the SFPUC needs to prepare documentaries on the fires and glaciers.*
- *Peter Drekmeier, Tuolumne River Trust, addressed item 5g and asked what is being done about making San Jose and Santa Clara permanent customers, and to their request for an additional 6.5 mgd. He asked who will pay for that water.*
- *David Pilpel stated he would follow up with staff regarding item 5d. Regarding item 5e, he stated the approval block should include approval date. Regarding item 5f, he stated that the staff contact information includes an email but should also include a staff phone number.*

6. Report of the General Manager (GM)

a) State of California’s Disadvantaged Communities Green Tariff and Community Solar Initiatives

Kiara Hermann, Utility Analysis, presented the item, indicating (1) the Disadvantaged Community Green Tariff and Community Solar Green Tariff programs were created by the California PUC (CPUC) to increase adoption of renewable energy in the state’s Disadvantaged Communities (DACs); (2) both programs provide participating CleanPowerSF (CPSF) customers in DACs with 100% renewable energy at a 20% discount; (3) CPSF is using solicitation in September to purchase renewable from new projects to support the program; and (4) the Community Solar Green Tariff requires solar developers to partner with a local, community-based sponsor to ensure the solar project location is aligned with community preferences and help enroll customers in the program.

Jackie Randazzo, Public Relations Officer, indicated staff have created a culturally competent, multilingual marketing and education and outreach (ME&O) Plan for both programs. For each program, the Plan will consist of two phases (1) awareness building; and (2) program enrollment. The Plan will primarily target low-income customers in San Francisco DACs.

Ms. Randazzo noted that partnering with community-based organizations (CBOs) is a critical component of the ME&O Plan and CBOs will primarily assist with enrolling customers into both programs. She stated staff are working on a formal solicitation with the Contract Administration Bureau to identify CBOs and compensate them for this and similar work.

She reviewed near-term ME&O activities, indicating the DAC Green Tariff and Community Solar Programs are running on different schedules and therefore, have different ME&O timing. She reviewed activity timelines for each program and outlined community solar sponsor outreach.

Ms. Randazzo responded to a question from Commissioner Ajami as to whether there is any sense if community members are interested and if any pre-launch surveys or information gathering was conducted, indicating that no surveys were conducted. She stated the goal is to provide 100% renewable energy to all San Franciscans and noted that outreach has begun in advance of planned webinars.

President Maxwell stated it would be good to know where people currently stand to determine how successful outreach efforts are. Ms. Randazzo indicated that a consultant will be utilized to develop culturally competent materials, message testing, and researching barriers to participation. She stated she will ask that pre-and-post surveys are included.

Public Comments

- *Francisco DaCosta stated that in 2002 the Bayview was first to put solar on 58 homes and that it took six more years for SFPUC to deal with solar. He discussed outreach.*
- *Ali Altaha stated that outreach is a four-letter word for him due to his bad experience with outreach. He stated it is a fancy word for gatekeeper meant to exclude the minority. He asked that the Commission investigate the fake outreach being done on construction contracts.*

b) Update on SFPUC Operations During COVID-19 Emergency

Michael Carlin, Acting GM, stated that due to 50% of the SFPUC workforce - the field crews who currently work on-site, combined with the 50% of the workforce who work remotely, there has been no disruption of core services throughout the pandemic. He thanked everyone for their work. He discussed growing concerns by the City with the Delta variant. He stated that all employees are required to mask while indoors. He indicated that employees are required to report their vaccination status by August 12th and that currently 90% of employees have reported their status with 100% reporting expected soon. He stated City employees will be required to be vaccinated within 10 weeks of the FDA's approval of the vaccine. He noted as a condition of hiring, future City employees will be required to show proof of vaccination. He indicated mobile pop-up vaccination sites have been made available at SFPUC sites.

Acting GM Carlin stated that the City's Department of Human Resources is planning to require employees to report to work at least two days per week beginning in September and that the Telecommute Policy is being revised. Scheduling of return-to-work will begin in a phased approach, which he briefly discussed.

Mr. Carlin responded to a question from Vice President (VP) Moran as to what extent there are retention issues and challenges related to on-site work restrictions or the requirement that those working out-of-state must return, stating that some key personnel have resigned. He indicated that others do not want to come back to the office due to possible exposure due to the proximity to others. He noted that staff schedules will be accommodated as best as possible. Brief discussion ensued on

vaccination reporting requirements.

Public Comments

- *Francisco DaCosta discussed President Biden’s speech regarding the bipartisan Infrastructure bill. He stated the SFPUC has failed regarding community benefits.*

c) Report on Recent San Francisco Public Utilities Commission Activities, Events and Announcements

None.

7. New Commission Business

None.

8. Consent Calendar:

- a) Approve Amendment No. 1 to Agreement No. CS-1098, Bay Area Regional Qualified Water Efficient Landscaper (QWEL) Training Program, with the Solano County Water Agency, Alameda County Water District, Bay Area Water Supply and Conservation Agency, City of Napa, Contra Costa Water District, East Bay Municipal Utility District, Santa Clara Valley Water District, Sonoma County Water Agency, and Zone 7 Water Agency regarding QWEL training program administration; and authorize the General Manager to execute this amendment, increasing the contract duration by one year, for a total agreement duration of three years, with no change to the agreement amount. ([Resolution 21-0125](#))
- b) Approve the plans and specifications, and award Contract No. WD-2880R, Warehouse Office Suite Renovation, 1990 Newcomb Avenue, San Francisco, in the amount of \$1,328,039, with a duration of 360 consecutive calendar days to the responsible bidder submitting the lowest responsive bid, Galleria Inc., DBA Trico Construction. ([Resolution 21-0126](#))
- c) Accept work performed by JMB Construction, Inc. for Contract No. WW-674R, Geary Boulevard Sewer and Water Improvements; approve Modification No. 2 (final) decreasing the contract amount by \$494,459, for a total contract amount of \$16,486,907, and increasing the contract duration by 55 consecutive calendar days, for a total contract duration of 750 consecutive calendar days; and authorize final payment to the contractor. ([Resolution 21-0128](#))
- d) Approve the plans and specifications, and award Contract No. WW-713, As-Needed Main Sewer Replacement No. 9 in the amount of \$7,127,740, and with a duration of 365 consecutive calendar days to the responsible bidder submitting the lowest responsive bid, D’Arcy & Harty Construction, Inc., to perform as-needed manhole-to-manhole segment main sewer replacements on short notice in locations to be determined throughout San Francisco. ([Resolution 21-0127](#))

Public Comments

- *David Pilpel spoke to (1) items 8b and 8d, stating the staff reports indicate “subject to CEQA review” and questioned if it was a Planning Department or SFPUC determination and asked how that is documented; (2) Item 8b – asked*

if there was an overall space plan for the Southeast Facility and other staff in the area; and (3) item 8c – expressed hope that the item highlights coordination between departments on public works projects.

- *Ali Altaha spoke to item 8b and stated this is the location of Mr. Harlan Kelly's \$60,000 table. He requested that item 8c be removed from the Consent Calendar to discuss.*

*On Motion to approve Consent Calendar items 8a, 8b, and 8d:
Ayes: Maxwell, Moran, Harrington and Ajami*

Item 8c: Mr. Alan Johanson, Acting AGM Infrastructure, stated that the decision was made to have this project led by the SFPUC due to its familiarity with underground utilities and that it was advertised and managed by SFPUC staff and is coming in within the 10% cost and schedule contingency.

Public Comments (8c)

- *Ali Altaha discussed similarities between the Geary Boulevard Project and the Van Ness BRT Project. He stated the Van Ness BRT project displays corruption and racism within the SFPUC. He discussed the Civil Grand Jury's Van Ness BRT report.*

*On Motion to approve Consent Calendar item 8c:
Ayes: Maxwell, Moran, Harrington and Ajami*

9. Approve Amendment No. 3 to Agreement No. PRO.0101, Tunnel Engineering Services for the Folsom Area Stormwater Improvement Project with McMillen Jacobs Associates/Stantec, Joint Venture; and authorize the General Manager to execute Amendment No. 3, extending the agreement duration by 19 months, for a total agreement duration of 55 months, with no change to the agreement amount. ([Resolution 21-0129](#))

Derek Adams, Project Manager, began with review of the project's background (upstream components – 12,500 linear feet) and status, indicating that planning is complete, the design phase is in progress, environmental clearing is pending, and right-of-way acquisition is on-going. He reviewed Folsom Project contracts (1) Initial Pipe Contract \$7,300,000, (2) Sewer Pipe Contract \$67,200,000, (3) Large Pipe Contract \$19,000,000, and (4) Tunnel/Shaft Contract \$97,000,000. He reviewed the design and construction schedule, total project cost estimate (\$290,977,475), and design challenges. Mr. Adams reviewed reasons for the requested extension and discussed next steps.

Commissioner Ajami expressed frustration with the situation with Caltrans, the pile foundations, and that the issues weren't discussed earlier. Mr. Adams addressed the situation and the options that had been discussed. He stated that he was not aware of due diligence efforts related to the project as that was before his work on the project began. Mr. Paul Louie added that he also started on the project after the planning process and discussed the "as-builts" that were received from Caltrans and the discrepancies in what was received by the various parties.

Commissioner Ajami stated that there is a need for due diligence, to dig deeper, and identify areas that may be of concern.

At the request of President Maxwell, Mr. Adams summarized the timeline and work to be performed, and discussed steps being taken to make sure that these issues don't happen again. Commissioner Harrington informed Mr. Adams that he should not overcommit until the Commission blesses the project. President Maxwell indicated the Commission should receive as much information as possible regarding the project. Commissioner Ajami noted that missteps are opportunities for process planning and recommended the creation of a check box.

Public Comments

- Ali Altaha discussed City property being sold for one dollar. He stated the PM can't be blamed for something that occurred before he started. He discussed Caltrans recordkeeping processes and requirements.*
- Francisco DaCosta discussed conduits that were dug under a force main in 2002 and stated the Marin Street large force main was compromised taking 20 years to fix. He stated someone from Caltrans and a structural engineer should have attended the Commission meeting.*
- David Pilpel stated the presentation was not posted on the website. He asked if nearby public buildings or public rights-of-way were considered. He stated the City should have design immunity on such projects. He questioned if this item is related to the settlement agreement listed on the last agenda and asked for a copy of the settlement agreement. He asked that a completion date be included on the resolution.*

On Motion to approve Item 9:

Ayes: Maxwell, Moran, Harrington and Ajami

The Commission Secretary read the Closed Session items and re-announced that item 14 would not be heard.

10. Public comment on matters to be addressed during Closed Session

- Francisco Da Costa stated that the Commission will do whatever they want in Closed Session and that the public wants to know what happens.*
- Bill Martin, Sierra Club, San Francisco Bay Chapter Water Committee, discussed item 13 and expressed opposition to the SFPUC's continuing legal battles stating they are counterproductive. He asked that the SFPUC withdraw from lawsuit and negotiate, not litigate. He stated (1) the SFPUC will lose as there is no basis for the suit or support for the position, (2) the State is bigger with more resources and power, (3) there will be a better deal by negotiating, and (4) the SFPUC is on the wrong side of history and on opposite side of values of customers.*
- Barry Nelson, Golden State Salmon Association, addressed item 13 and stated that during Closed Session the Commission is likely to hear about the proposal from the State agencies and other water users to the Voluntary Agreement. He urged the Commission to reject the proposal. He stated (1) the negotiations include parties*

who are not litigants to the lawsuit and it is not appropriate to discuss during Closed Session, (2) what they know of the package is completely unacceptable; and (3) he discussed the “refill agreement”.

- Peter Drekmeier, Tuolumne River Trust, addressed item 13 and stated that that there is agreement that the Bay Delta is in an ecological crisis and is dying. He stated San Francisco is in a better place to contribute to solutions over any other water agency due to the flexibility of water storage. He said the Voluntary Agreement should not be discussed in Closed Session.
- Ali Altaha addressed item 12 and stated it is sad to see Mr. Herrera suing on items that can be negotiated. He said the City establishment is a paper tiger. He indicated the City is racist. He stated bringing in Mr. Herrera as GM sends a bad message and that the process should be followed.

11. Motion on whether to assert the attorney-client privilege regarding the matters listed below as Conference with Legal Counsel

On Motion to assert the attorney-client privilege regarding the matters listed as Conference with Legal Counsel:

Ayes: Maxwell, Moran, Harrington and Ajami

The Commission entered Closed Session at 3:33 PM.

Present in Closed Session: All Items: Commissioners Maxwell, Moran, Harrington, and Ajami; Donna Hood, Commission Secretary, Lee Sayao, SFPUC IT; Item 12: Robert Coelho, Assistant County Counsel, Office of the County Counsel, County of Santa Clara; Item 13: Michael Carlin, Acting General Manager, Steve Ritchie, Assistant General Manager, Water Enterprise, Eric Sandler, CFO, and Assistant General Manager, Business Services, Francesca Gessner, Deputy City Attorney, Nicholas Whipps, Deputy City Attorney, Tyrone Jue, Chief of Staff, General Manager’s Office.

12. Pursuant to Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b), to consider public employee appointment/hiring for the position of General Manager of the San Francisco Public Utilities Commission; and Pursuant to Government Code Sections 54954.5(f) and 54957.6, and San Francisco Administrative Code Section 67.8(a)(5).

Conference with Labor Negotiator, Unrepresented Employee

*City Negotiator
Commission President Sophie Maxwell*

*Unrepresented Employee
General Manager, San Francisco Public Utilities Commission*

Anticipated issues under negotiation:

- Wages

- Hours
- Benefits
- Working conditions
- Other

13. Conference with Legal Counsel – Pursuant to California Government Code Section 54965.9 (d)(1) and San Francisco Administrative Code Section 67.10 (d)(1) Existing Litigation

San Joaquin Tributaries Authority, et al v. California State Water Resources Control Board

Tuolumne Superior Court Case No. CV62094/Date Filed: January 10, 2019

Coordinated as State Water Board Cases by order filed May 13, 2019 in Sacramento Superior Court, JCCP No. 5013

14. Conference with Legal Counsel – Pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1)

Conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which the City is a petitioner and Pacific Gas & Electric Company is an adverse party: In re: PG&E Corporation and Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 9-30088-DM, filed January 29, 2019; Federal Energy Regulatory Commission Case No. EL 19-38- 000, filed January 28, 2019; Federal Energy Regulatory Commission Case No. ER18- 1482-000, filed April 30, 2018; Federal Energy Regulatory Commission Case No. ER18-1102-000, filed March 15, 2018; Federal Energy Regulatory Commission Case No. ER18-790-000, filed, February 2, 2018; Federal Energy Regulatory Commission Case No. ER18-768-000, filed January 31, 2018; Federal Energy Regulatory Commission Case No. ER18-198-000, filed October 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2406-000, filed August 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2181-000, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2204, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-1509-000, filed May 1, 2017; Federal Energy Regulatory Commission Case No. ER17-910-000, filed January 31, 2017; Federal Energy Regulatory Commission Case No. EL 15-3-000, filed October 10, 2014; Federal Energy Regulatory Commission Case No. ER15-702-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-703- 000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-704-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-705-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-735-000, filed December 23, 2014; California Public Utilities Commission Case No. 1.15-08-019, filed February 25, 2015; California Public Utilities Commission Case No. R.18-10-007, filed October 25, 2018; California Public Utilities Commission Case No. R.19-01-006, filed January 10, 2019; and California Public Utilities Commission Case No. R.19-09-016, filed January 10, 2019.

The Commission exited Closed Session at 5:40 PM.

15. Announcement following Closed Session

President Maxwell stated there was no reportable action.

16. Motion regarding whether to disclose the discussions during Closed Session pursuant to San Francisco Administrative Code Section 67.12(a)

On Motion not to disclose discussions during Closed Session:

Ayes: Maxwell, Moran, Harrington and Ajami

President Maxwell adjourned the meeting at 5:40 PM.